

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

2017 APR 24 PM 2:08

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No.

3:17mj

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

Priority Mail Express Parcel, Label Number, EL 731023615 US,
postmarked April 17, 2017, addressed to Mr Everhart, 16045 Sherman
Way bld. H Box 241, Van Nuys, CA 91406, with a return address of
Darius Jackson, 4103 Crest Dr., Dayton, OH 45416.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Express Parcel, Label Number, EL 731023615 US (See Attachment "A")

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	Offense Description
21 U.S.C. 846	Conspiracy to distribute a controlled substance
21 U.S.C. 841 (a) (1)	Possession with intent to distribute a controlled substance
21 U.S.C. 843 (b)	Use of a Communication Facility

The application is based on these facts:

See attached affidavit of U.S. POSTAL INSPECTOR ANDREW W. KREMER

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

ANDREW W. KREMER, U. S. POSTAL INSPECTOR

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/24/17

City and state: DAYTON, OHIO





Judge's signature

MICHAEL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, ANDREW W. KREMER, having been duly sworn, depose and state:

1. I am a United States Postal Inspector, having been so employed since May 19, 2012. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for Southwest Ohio and Northern Kentucky. Part of my investigative responsibility involves the use of the United States Mail in the illegal transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. Your Affiant completed United States Postal Inspection Service Basic Training in May 2012. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the U. S. Mail. In addition to this formal training, your Affiant has worked since May 2012 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.
3. This Affidavit is made in support of a search warrant for the following property, namely a package associated with United States Postal Service (USPS) Priority Mail Express, Label Number:

a. **EL 731023615 US**

as further described in Attachment A. This affidavit is made in support of a warrant to search the package for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

- a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841,
- b. Use of a Communication Facility, in violation of Title 21, United States Code, § 843(b), and
- c. Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 846.

Because this affidavit is submitted in support of the application of the United States to search the parcel, it does not include every fact known concerning this investigation, I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described parcel.

4. Your Affiant has become aware that drug traffickers frequently use Priority Mail Express and/or Priority Mail, services offered by the USPS, to transport narcotics and other dangerous controlled substances. As a result of investigations and successful controlled

substance prosecutions where Priority Mail Express and/or Priority Mail were used, your Affiant has learned of certain characteristics indicative of other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion - false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

5. During a review of postal business records multiple times in 2017, by your Affiant, at multiple Post Offices in the Dayton, Ohio area, revealed several parcels, bearing pictorially similar handwriting, addressed to two different addresses in California. The parcels were addressed to Mr. Everhart, 6254 Radford Ave., North Hollywood, CA 91606 as well as Mr. Everhart, 16045 Sherman Way, Bld H Box 241, Van Nuys, CA 91406. The return addresses on the parcels were the same, Darius Jackson, 4103 Crest Dr., Dayton, OH 45416. Your Affiant researched the two recipient addresses in CLEAR and the system indicated there is a Calvin Everhart that is currently associated with 6254 Radford Ave, North Hollywood, CA 91606 and had been previously been associated with 16045 Sherman Way Bld H Box 241, Van Nuys, CA 91406. CLEAR is a database used by law enforcement as a tool to identify person/business and address information. Your Affiant researched the return name and address in CLEAR, and the system indicated Darius Jackson is not associated with that address. Subsequent to this information a mail watch was placed on parcels addressed to the above addresses bearing the above return address.
6. On April 17, 2017, your Affiant, was contacted by a U.S. Postal Service employee due to a parcel meeting the above mail watch that entered the U.S. Mail at the West Carrollton, Ohio Post Office. Your Affiant instructed the employee to secure the parcel in the manager's office for the evening.
7. On April 18, 2017, your Affiant observed and took custody of the parcel. The parcel appeared suspicious due to it matching the description above, as well as it being mailed to an area of known drug activity and a drug source location, Van Nuys, California. The parcel is further described as:

Priority Mail Express, Label Number: EL 731023615 US

Sender: Darius Jackson
4103 Crest Dr.
Dayton, OH 45416

Addressee: Mr Everhart
16045 Sherman Way bld. H Box 241
Van nuys, CA 91406

8. Observation of the above listed Priority Mail Express parcel by your Affiant indicated it was mailed from the West Carrollton Post Office, West Carrollton, OH 45449, but the return address indicates Dayton, OH 45416.
9. The CLEAR database was researched by your Affiant regarding the listed return address, Darius Jackson, 4103 Crest Dr., Dayton, OH 45416. The information obtained from the system indicated there is no Darius Jackson associated with that address.
10. The CLEAR database was researched by your Affiant regarding the listed addressee on the package, Mr Everhart, 16045 Sherman Way bld. H Box 241, Van nuys, CA 91406. The information obtained from the system indicated there is a Calvin Everhart that was previously associated with this address in 2014.
11. On April 18, 2017, your Affiant contacted Detective Tony Hutson, Montgomery County (Ohio) Sheriff's Department regarding the suspect parcel to arrange for a narcotics canine to check the parcel. Detective Hutson and his canine "Gunner" are a currently certified narcotics team. The team is certified by the Ohio Peace Officer Training Commission and the Office of the Attorney General (Ohio). On the same date, Detective Hutson responded to the Montgomery County Sheriff's Department where the parcel listed above was placed in a separate office among several other similar parcels and presented to narcotic canine, "Gunner", who alerted positively to the presence or odor of a controlled substance upon Priority Mail Express Parcel described below:

a. Priority Mail Express, Label Number: EL 731023615 US

Attached herewith, and made part hereof by reference, is a photocopy of the narcotic canine handler's record of examination.

12. Based upon my experience and training, this information, along with the parcel being mailed from a location of known drug activity, being mailed to a location of known drug activity and a drug source location, and the positive alert of narcotic canine "Gunner" is indicative of the parcel containing narcotics or proceeds thereof.

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13. Based upon the information contained in this affidavit, your Affiant believes that there is probable cause to believe that the parcel described below will contain evidence and/or contraband, fruits of crime, or other items illegally possessed:

a. **Priority Mail Express, Label Number: EL 731023615 US**

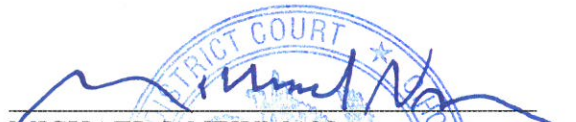
Therefore, a search warrant to open the parcel is requested.

Further, your Affiant sayeth naught.

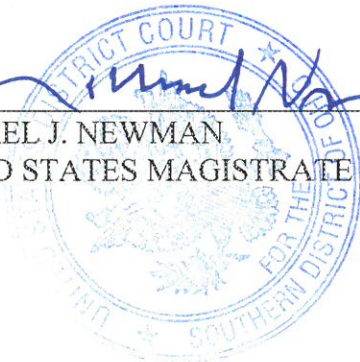


ANDREW W. KREMER
U.S. POSTAL INSPECTOR

Subscribed and sworn to and before me this 24th day of April, 2017



MICHAEL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A
PROPERTY TO BE SEARCHED

The property to be searched is the package associated with **Priority Mail Express, Label Number: EL 731023615 US**, addressed to Mr Everhart, 16045 Sherman Way bld. H Box 241, Van Nuys, CA 91406, with a return address of Darius Jackson, 4103 Crest Dr., Dayton, OH 45416.



United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

I, Det Tony Hutson, AM, AND HAVE BEEN EMPLOYED BY THE
Montgomery County Sheriff's Department, SINCE 9/1998. AMONG OTHER DUTIES, I AM CURRENTLY
THE ASSIGNED HANDLER OF NARCOTICS DETECTION CANINE "Gunner", WHICH IS
TRAINED AND CERTIFIED IN THE DETECTION OF THE PRESENCE OR ODOR OF NARCOTICS
DESCRIBED AS FOLLOWS:

Marijuana, Hashish, Cocaine, Heroin, Methamphetamines, Ecstasy

ON 4/18/17, AT THE REQUEST OF POSTAL INSPECTOR A.W. KREMER, I RESPONDED TO THE
Montgomery County Sheriff's Dept. WHERE "Gunner" DID ALERT TO AND INDICATE UPON THE
FOLLOWING DESCRIBED ITEM:

Priority Mail Express EL73102361525, addressed to Mr. Everhart
16045 Sherman Way Bldg H Box 241 Van Nuys CA 91406
Return address: Marcus Jackson, 4103 East Dr. Dayton, OH 45416

BASED ON MY TRAINING AND EXPERIENCE AND THAT OF "Gunner", I CONSIDER THE
ABOVE DESCRIBED ITEM TO CONTAIN WITHIN OR UPON THE PRESENCE OR ODOR OF A
NARCOTIC OR OTHER DANGEROUS CONTROLLED SUBSTANCE.

Det. Hutson
(Signature and Date) 4/18/17